IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RONALD MELTON, et al.	:	CASE NO. C-1-01-528
Plaintiffs	:	(Judge Spiegel)
vs.	:	
BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO, et al.	:	
	:	
Defendants		

PLAINTIFFS' MOTION FOR VOLUNTARY DISMISSAL

Plaintiffs hereby move this Honorable Court to enter an order permitting them to voluntarily dismiss this action without prejudice pursuant to Fed. R. Civ. Pro. 41(a)(2). In light of the recent order of this Court denying Plaintiffs' Motion to Consolidate the instant action with the pending class action also in this Court, Plaintiffs posit that a voluntary dismissal without prejudice would be just, proper, and appropriate.

MEMORANDUM IN SUPPORT

Fed. R. Civ. Pro. 41(a)(2) provides that the Court may enter an order permitting Plaintiffs to voluntarily dismiss the instant action without prejudice in the absence of a counterclaim. In the present case, there has not been any counterclaim filed. Therefore, pursuant to the provisions of said Rule, the Court may order that the present action may still be voluntarily dismissed without prejudice by Plaintiffs even should the defendants object to such.

Plaintiffs contacted defense counsel for each of the named defendants seeking their stipulation to permit Plaintiffs to voluntarily dismiss this cause without prejudice pursuant to the provisions of Fed. R. Civ. Pro. 41(a)(1)(ii) but each declined to Plaintiffs request for a stipulation. Accordingly, Plaintiffs are hereby pursuing the other means provided by the Civil

Rules to voluntarily dismiss this case without prejudice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been served on opposing counsel by electronic service through the CM/ECF filing program at their respective e-mail addresses by this 19th day of May, 2004.

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